

## **EXHIBIT A**

VOL. VI PG. 898

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF MASSACHUSETTS  
3  
4 TERRI PECHNER-JAMES  
5 and SONIA FERNANDEZ,  
6 Plaintiffs  
7 VS. VOLUME VI  
8 C.A. NO. 03-12499-MLW  
9  
10 CITY OF REVERE; THOMAS  
11 AMBROSINO, MAYOR; CITY OF  
12 REVERE POLICE DEPARTMENT,  
13 TERRENCE REARDON, CHIEF;  
14 BERNARD FOSTER, SALVATORE  
15 SANTORO, ROY COLANNINO,  
16 FREDERICK ROLAND, THOMAS DOHERTY,  
17 JOHN NELSON, JAMES RUSSO,  
18 MICHAEL MURPHY, and STEVEN FORD,  
19 Defendants

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15 CONTINUED DEPOSITION of TERRI  
16 PECHNER-JAMES taken at the request of the  
17 defendants pursuant to Rule 30 of the Federal  
18 Rules of Civil Procedure before Nancy A.  
19 Diemadowicz, Registered Merit Reporter, a  
20 notary public in and for the Commonwealth of  
21 Massachusetts, on May 25, 2006, commencing at  
22 10:08 A.M. at the offices of Reardon, Joyce &  
23 Akerson, 397 Grove Street, Worcester,  
24 Massachusetts.

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2 A P P E A R A N C E S:

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1 I N D E X

2 DEPONENT: TERRI PECHNER-JAMES

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16 19. Photocopy of Photograph 1011

17 20. Photocopy of Photograph 1013

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1 MR. PORR: We're back on the record

2 with the deposition of Terri Pechner.

3 CONTINUED EXAMINATION BY MR. PORR:

4 Q. Good morning, Ms. Pechner.

5 A. Good morning.

6 Q. You understand that you're still

7 under oath?

8 A. Yes, I do.

9 Q. Okay. Have you taken any  
10 medication this morning?

11 A. Yes, I have.

12 Q. What have you taken?

13 A. Synthroid and Paxil.

14 Q. The Synthroid, is that an  
15 artificial thyroid type medication?

16 A. Yes.

17 Q. All right. And the Paxil you take  
18 for what condition?

19 A. PTSD.

20 Q. Okay. How are you feeling this  
21 morning?

22 A. Lousy.

23 Q. Okay. And when you say "lousy,"  
24 what do you mean by that?

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1 A. Tired.

2 Q. Okay. Anything else?

3 A. No.

4 Q. All right. We're scheduled to be  
5 here until five o'clock this afternoon.

6 Do you feel up to testifying today  
7 and answering questions and going through a  
8 deposition session?

9 A. As much as I can.

10 Q. All right. The last time I had an  
11 opportunity to ask you questions at deposition  
12 was on May 5th, which was 20 days ago.

13 Did you see any doctors after the  
14 end of that deposition session?

15 A. Yes, I did.

16 Q. Who did you go see?

17 A. I saw Dr. Gingrich.

18 Q. Where did you see him?

19 A. Her. A new primary care physician.

20 Q. Where?

21 A. Yesterday. Georgetown.

22 Q. So the first time you saw  
23 Dr. Gingrich in Georgetown was yesterday?

24 A. The day before. I'm sorry.

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1 Q. That's okay.

2 A. Tuesday. Tuesday I saw her.

3 Q. It's a her?

4 A. Yes.

5 Q. Okay. Let me back up, if you  
6 would, please, to May 5th, though. At the end  
7 of the deposition on the afternoon of May 5th,  
8 did you go see any health care provider that  
9 day?

10 A. No.

11 Q. So from May 5th until Tuesday, the  
12 23rd, is it fair to say you did not see any  
13 health care provider?

14 A. Correct.

15 Q. Did you see Dr. Gingrich -- what  
16 did you see Dr. Gingrich on the 23rd for?  
17 What did you go in for?

18 A. Because these depositions are  
19 making me sick again.

20 Q. And how so?

21 A. Because I'm reliving what I went  
22 through when I first left the job.

23 Q. All right. And how is that making  
24 you sick? How is the sickness manifesting

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1 itself?

2 A. I can't eat, I can't sleep, my  
3 brain's in a cloud, I'm tired all the time,  
4 and I'm having nightmares again.

5 Q. When did you start having  
6 nightmares again?

7 A. I don't remember.

8 Q. Did you have one last night?

9 A. No.

10 Q. Have one the night before?

11 A. I don't remember.

12 Q. Did you have one this week?

13 A. Yes.

14 Q. Okay. What was the nightmare  
15 about?

16 A. I don't remember.

17 Q. Did Dr. Gingrich do anything in  
18 terms of treatment?

19 A. Yes. She put me on Paxil and Xanax  
20 to sleep.

21 Q. Is Xanax a sleep medication?

22 A. Sleep and anxiety.

23 Q. Earlier, you mentioned that you had  
24 -- one of the ways the deos are making you

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1 sick is you feel like your brain is in a  
2 cloud?

3 A. That's my thyroid not functioning  
4 correctly.

5 Q. I see. How long have you had a  
6 thyroid problem?

7 A. I don't know.

8 Q. When did you start taking  
9 medication for the thyroid?

10 A. I don't recall.

11 Q. This year? Last year? Two years  
12 ago?

13 A. Two years ago. I don't -- I don't  
14 remember when.

15 Q. Does the thyroid medication work?

16 A. It helps, yes.

17 Q. Okay. Is your brain in a cloud  
18 right now?

19 A. I'm tired.

20 Q. Okay. I interpreted your response  
21 earlier, when you said your brain is in a  
22 cloud and you're tired all the time, as  
23 describing two different phenomena that you  
24 are experiencing. Are they the same?

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1 A. I don't know.

2 Q. Okay. So I understand that you're  
3 tired right now, but would you also say that  
4 your brain is in a cloud right now?

5 A. No.

6 Q. Okay. Ms. Pechner, the reason I'm  
7 asking the questions is because I need to make  
8 sure that you're in a frame of mind that you  
9 can hear and understand and respond to my  
10 questions accurately so that at a later date  
11 there isn't a claim being made that for some  
12 reason you were not able to testify, you know,  
13 appropriately today and somehow would claim  
14 that your testimony today is not valid. Do  
15 you understand?

16 A. I understand.

17 Q. Okay. So I want to make sure that  
18 if there's any reason why we can't go forward  
19 today, that you'll tell me; otherwise, I'll  
20 assume that you can and I'll expect that your  
21 answers today are answers that can be relied  
22 upon at trial. Do you understand?

23 A. I understand. Until the  
24 depositions are over, or the trial or whatever

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1 is over, I can't begin to recover from the  
2 stress induced, which is what this is related  
3 to.

4 Q. Okay. And sometimes people  
5 experience stress to the point where it  
6 incapacitates them, and I just want to make  
7 sure that if that's happened here that I know  
8 that, and if it hasn't happened here I know  
9 that as well. You follow?

10 A. I follow.

11 Q. Okay. Have you reviewed anything  
12 related to this case between the last time I  
13 got to question you on May 5th and today?

14 A. Can you ask that again?

15 Q. Have you reviewed anything related  
16 to this case between May 5th, the last time I  
17 got to question you, and today?

18 A. I've taken a look at your  
19 deposition that you claim you didn't ask  
20 whether or not I had an abortion.

21 Q. So that was the May 5th deposition  
22 transcript?

23 A. Correct.

24 Q. When did you look at that?

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1           A.     I don't -- I don't know when I got  
2     it.

3           Q.     A week ago? Two weeks ago?

4                   MR. DILDAY: I don't know when I  
5     gave it to you to look at.

6           Q.     If you don't recall, that's fine.

7     I'm just asking --

8           A.     I don't recall when he gave it to  
9     me.

10          Q.     And, again, let me explain. When a  
11     witness says they don't recall, attorneys,  
12     like myself, will frequently ask a follow-up  
13     question designed to see if we can help  
14     trigger recall or if we can give you some  
15     parameters that you can say, you know, it was  
16     last week but it wasn't two weeks ago, or  
17     something to that effect.

18                   And that's all I'm doing is I'm  
19     just trying to see if I can get some  
20     definition, some more clarity, when I ask  
21     those kind of questions. Did you read the  
22     whole transcript?

23          A.     No.

24          Q.     Okay. What did you read for? Were

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1 you looking for something in particular?

2 A. Yeah. The fact that you -- your  
3 line of questioning was completely  
4 unacceptable.

5 Q. Okay.

6 A. And the fact that you said you told  
7 Sonia that -- and Jimmy that you did not say  
8 that I had an abortion.

9 Q. All right. Did you find in the  
10 deposition transcript where I asked that  
11 question?

12 A. I found where you asked had I had  
13 any other pregnancies, other than the three  
14 that I now have.

15 Q. Okay. And why did you interpret  
16 that as a question about abortion?

17 A. Because one would lead that to  
18 believe that if you have seven children,  
19 Attorney Porr, and you either have a miscarry  
20 or you have an abortion. So, you know, I  
21 think that's absolutely none of your business  
22 and has nothing to do with the case.

23 Q. Have you had any miscarriages?

24 A. I'm not answering that question.

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1                   MR. DILDAY: I would like to go on  
2 the record that this is a question that the  
3 judge said was out of line for Mr. Porr to be  
4 asking.

5                   MR. PORR: I read the order,  
6 Mr. Dilday. The question that the judge said  
7 was out of line were questions about sexual  
8 relations. I didn't ask a question about  
9 sexual relations today.

10                  MR. DILDAY: Well, she will not  
11 answer any questions about whether she had  
12 miscarriages or abortions at all, and that  
13 would be along the same lines that the judge  
14 was talking about on the question that  
15 Ms. Pechner-James just answered or made  
16 reference to regarding whether or not she had  
17 any pregnancies that did not lead to a birth.

18                  MR. PORR: Mark that as next in  
19 order.

20

21                  (Deposition Exhibit No. 15 marked.)

22                  Q. Let me put in front of you what  
23 I've had marked as Exhibit 15. See at the top  
24 where it indicates that this is a record from

VOL. VI PG. 911

1 Dr. Keroack?

2 A. I see that.

3 Q. All right. And the date of this  
4 record looks to be February 5th of '01. Do  
5 you see that?

6 A. I do.

7 Q. Across the top has your name. Do  
8 you see that?

9 A. I do.

10 Q. At the far right, it has your age  
11 of 27?

12 A. Yes.

13 Q. Do you see the G and P, between  
14 your name, and the H?

15 A. Yeah, I do.

16 Q. Do you know what they stand for?

17 A. No idea.

18 Q. If I'm reading this record  
19 correctly - and I believe I am - the G stands  
20 for grava and the P stands for para. Grava is  
21 an indication of the number of pregnancies;  
22 para is an indication of the number of live  
23 births.

24 There's a claim in this case,

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1 repeated in a number of documents that you've  
2 signed under oath, that part of the sexual  
3 harassment complaint being made is that there  
4 was no maternity leave policy when you were an  
5 officer with the Revere Police Department; is  
6 that correct?

7 A. That's correct.

8 Q. All right. And are you claiming  
9 that the absence of a maternity leave policy  
10 was an example of the sexual harassment that  
11 you experienced while you were an officer with  
12 the Revere Police Department?

13 A. I'm claiming there was never a  
14 sexual harassment policy there.

15 Q. I'm talking about the maternity  
16 leave policy. My question was, Are you  
17 claiming that the absence of a maternity leave  
18 policy is an example of the sexual harassment  
19 you allege you experienced while you were an  
20 officer with the Revere Police Department?

21 A. Yes. Because there still isn't  
22 one.

23 Q. All right. And so my question is,  
24 The two pregnancies that did not result in

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1 live births as of February 5 of '01, did they  
2 occur while you were a member of the Revere  
3 Police Department?

4 A. Well, you -- you --

5 MR. DILDAY: Objection. She's not  
6 answering that.

7 MR. PORR: Well, Mr. Dilday, she's  
8 making a claim that the absence of a maternity  
9 leave policy is an example of the hostile  
10 environment, and so if she was never pregnant  
11 while she was an officer with the Revere  
12 Police Department, then the maternity leave  
13 policy may not be germane, and that's one way  
14 of dealing with it.

15 But if she was - okay? - then  
16 perhaps the maternity leave policy does come  
17 into play, and I think I'm entitled to know  
18 the answer to that question.

19 MR. DILDAY: I think this whole  
20 issue of the maternity leave policy is a  
21 policy that goes to the whole gravamen of the  
22 practices, procedures and operations of the  
23 Revere Police Department.

24 Regardless as to whether or not she

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1 experienced a pregnancy during that time  
2 frame, it goes to the issue as to whether or  
3 not such a policy was in place.

4 It doesn't mean that this policy  
5 had a direct impact on her individually. What  
6 it means is that there was a general policy  
7 that the police department had.

8 MR. PORR: But if it had no impact  
9 on her, I fail to see how you can make a claim  
10 that she's entitled to damages for it.

11 MR. DILDAY: Because it's the  
12 general policy with the Revere Police  
13 Department. It shows how the Revere Police  
14 Department did not treat women in the same  
15 manner that it treated the male officers.

16 MR. PORR: Who can't get pregnant?  
17 I mean, that makes no sense to me. But all  
18 right. Very well.

19 MR. DILDAY: You caught me with  
20 water in my mouth.

21 MR. PORR: That's okay. The  
22 exhibits are on record; the questions are on  
23 record. We'll move on.

24 Q. Did you review anything else, any

Eric J. Kerack, MDOffice NotesPatient History and Physical Exam

EXHIBIT 15

Pechner-Times  
MC CARTHY REPORTING SERVICE  
5/25/06 NAAPatient Name Terri Pechner G 4 P 2 Age 27Date 2/15/01 DOB 4/29/73 Phone# Address City  State  Zip 100-13001ALLERGIESRXN: ØMRI & AngiogramMedicationsZoloft 25mg gdNo prob w/ensesPast Surgical Hx:ØPast Medical Hx:\* PAST Hx\* - no post Partur Depress.\* PMS - Lactation- Chocolate- MigrainesFamily Hx:ROSColon CA Ø Breast CA Ø Chest Pain ØOvarian Cancer Ø Bowel Ssx ØThyroid DX Ø Diabetes (+) Cough Ø SOB ØHigh BP Ø Headaches (+)CADx Ø Urinary Ssx Bladder BrokenCancer(other) Ø Gastric Ssx yes (+) freqBlood Clots Ø Joint/Ext Pain KneeMental Dx Depression

HABITS

Cigarettes (+) occ OTHER DX MISCETOH NOT reslt Osteoporosis Drugs Ø Early Menopause Exercise - Therapeutic Pregnancy Hx: Sleep - Sleep \*\* TABx2 - After DaugtrDiet lousy \*\* Daughter age 17

Son - age 9 &gt; TAB's